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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,624	12/26/2001	Terry Bruce	15584.1	1108

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EXAMINER

LE, TAN

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 07/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/019,624

Applicant(s)

BRUCE, TERRY

Examiner

Tan Le

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is the first office action for serial number 10/019,624, Hose Clamping Device, filed on 12/26/01. This application contains 19 claims numbered 1-19.
2. The preliminary amendment submitted on 12/26/01 has been received.
3. The IDS submitted on 4/25/02 has been received and considered.

Specification/Disclosure

4. The term "Azimuth" has been noted in this application and appears to be not a trademark name. It should not be capitalized wherever it appears.

Claim Objections

5. Claims 7-11, 12 and 17-18 are objected to because of they lack of antecedent basis as listed below required to be corrected:

Claim 9 recites the limitations "the handle and the stab pin". These limitations lack antecedent basis.

Claim 10 recites the limitations "the first azimuth, the horizontal plane". These limitations lack antecedent basis.

Claim 11 recites the limitations "the second azimuth, the vertical plane". These limitations lack antecedent basis.

Claim 12, line 2 "comprising" should be changed to -- comprises --

Claim s 17 and 18 recite the limitation "the attachment means". This limitation lacks antecedent basis.

Claims 7-11 and 18 recite the term of "Azimuth" appears to be not a trademark name. Capital for "Azimuth" should not be used.

Note: that the term "azimuth" as understood by examiner is allowing for 360 - degree rotation and thus allowing for the device to be connected to be rotated 360 degrees. Insofar, the specification has not described or stated the meaning of Azimuth. Applicant is required to make clear and precise the terms that are used to define the invention whereby the metes and bounds of the claimed invention can be ascertained. The meaning of Azimuth as recited in claims must be clarified.

The term "universal" as recited in the claims is also a comprehensive broad term and as understood by examiner, the term universal means that the device can be adaptable or adjustable to many sizes and simple to use.

The examiner will interpret the following terms recited in the claims as follows:

The universal hose locating mechanism: is the mechanism that required to have three pieces: a central mount (8) two azimuth locking mechanisms (9, 10) and a quick release hose mount (11) as shown in Fig 2 of the drawings.

The universal base clamping mechanism: is the mechanism that required to have one piece: a securing means (3) as shown on Fig. 3 of the drawings.

The azimuth locking mechanism: is the mechanism that required to have 3 pieces: a handle assembly (12), a connection means (13) and a stab pin (15) as shown on Fig. 2 of the drawings.

Claim Rejections - 35 USC § 1125.

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. While Applicant is claiming a universal hose comprising features as listed in the claims but does not adequately describe in the specification in such a way to enable one skilled in the art to be able to make or practice the invention. It is unclear how Applicants make use the invention as claimed. One skilled in the art would not know how to make the invention in order to complete the device. For example one skilled in the art would not know how to make between the locked and unlocked positions as well as how to connect between the locating mechanism and the base clamp.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-3 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "similar" in claim 2 was held to be indefinite since it was not clear what Applicant intended to cover the recitation "similar structure".

Claim 18 is rejected as being unclear because the language in the claim appears to be incomplete or words in the claim appears to be missing.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by GB Patent No. 2,326,982 to Giles.

Regarding claim 1, Giles discloses a universal hose clamp comprising a universal hose locating mechanism (1, 10) (see also page 13, lines 24-31), a hose coupling (see Page 11, lines 27-32) for connecting a hose clamp, and a securing means (4, 5 and cooperating parts) for securing the locating mechanism to a support structure (2, 3).

Regarding claims 2-3, the features of these claims are also clearly disclosed by Giles.

Claims 1, 4-6, 11-13 and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 1,667,342 to Blaw.

Regarding claims 1 and 4-5, Blaw discloses a portable fire nozzle support comprising a universal hose locating mechanism (18, 24, 25), a hose coupling (21, 22) for connecting a hose clamp, and a securing means (20 generally) for securing the locating mechanism to a support structure which is a portable independent frame (Fig.3) wherein the portable independent frame is a tripod.

Regarding claim 6, Blaw also discloses the securing means is locking mechanism adapted to lockably engage the hose locating mechanism to the support structure, wherein the locking mechanism comprises a male (18 generally) and a female member (2, 2a) that are adapted to lockably engage.

Regarding claims 11-13 and 15-16, Blaw also discloses the hose coupling comprising a gripping aid (35) (see also page 7, line 92) having a shape of cylindrical, a mounting band (Fig. 4, element 36) also having a shape of cylindrical and a securing means being a screw (37).

Regarding claim 17, the attachment for the hose coupling to the universal hose clamp of Blaw is also easily detachable.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable Blaw in view of US Patent No. 3,856,245 to Byerly.

Blaw does not specifically teach the gripping aid being made out of flexible material or rubber. Byerly teaches the gripping aid being made out of flexible material namely rubber in order to deform and to press hard against the pipe, as well as, to provide frictionally hold while preventing damages to the pipe.

One skilled in the art would have been motivated to use the rubber gripping aid of Byerly for the filling aid of Blaw because Byerly teaches that the rubber can be pressed hard against the pipe to provide tightly secure as well as to minimize the damages to the pipe.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

1,583,772 to Blaw

3,013,755 to Ittner

3,916,488 to Gazda et al.

5,474,269 to Kasubke

575,700 to Charbonneau

1,444,900 to Blaw

1,451,066 to Blaw

1,755,846 to Blaw

The above patents disclose various types of portable fire nozzle supports.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (703) 305-8244.

The examiner can normally be reached on Mon-Fri 9:00-6:00 and alternating Mon..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on (703) 308-2156. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



Tan Le
Patent Examiner
AU 3632
June 27, 2003.